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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,719	09/23/2003	Jeffrey Daniel Williams	14270	2444

7590

09/26/2006

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EXAMINER
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DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/668,719	Applicant(s) WILLIAMS, JEFFREY DANIEL	
	Examiner David Dunn	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 28-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This Office Action is responsive to the amendment filed July 18, 2006. Claims 7 and 17 have been canceled.

Claims 28-39 remain withdrawn as elected without traverse in the reply of January 30, 2006.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 is indefinite as it is unclear what is being claimed. The preamble of the claim recites an "airbag cushion", however, the claim has been amended to include a "diffuser sleeve" which is not part of the airbag cushion (see the diffuser sleeve 40 in Figure 1A; this is not the cushion). Therefore, it is unclear if claim 21 is directed to just the cushion, or a combination of elements including the cushion, the diffuser sleeve, and the inflator.

Claim 21 recites the limitation "the airbag inflator" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-6, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Spencer et al. (US 5,687,987).

Spencer et al. discloses an airbag module for protecting a vehicle occupant comprising: an airbag inflator (40; Figure 4); an airbag cushion (50), the cushion having a cushion throat (52), a windshield face (upper face; see Figure 2), an occupant face (lower face, for occupant leg), an inboard and outboard face (see Figure 2); and a one-piece clamshell inflator housing (80; see Figure 4), the inflator housing comprising an inflator sleeve (82) and a diffuser sleeve (83), the diffuser sleeve formed from a first sleeve wall and a second sleeve wall (84) that contact each other (at 91, etc), wherein an outlet portion of the inflator extends into the diffuser sleeve such that the sleeve directs inflation gas produced by the inflator. The inflator housing further comprises cushion attachments (88, pegs 90). The module includes fasteners for maintaining the clamshell inflator in a closed position (76, Figure 5; also pegs 90). Regarding claim 10, the method of folding is an intermediate process step which is immaterial to the final module product; Spencer et al. discloses the same structure as claimed.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-6, 8-11, 14-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyoshi (JP 7-117605) in view of Spencer et al. (US 5,687,987).

Kiyoshi discloses an overhead airbag with a windshield face, an occupant face, and an inboard and outboard face (see Figure 3).

Kiyoshi does not show a clamshell inflator housing.

Spencer et al. teaches an airbag module having a clamshell inflator housing as discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kiyoshi with the teachings of Spencer in order to better secure the inflator and the airbag cushion.

7. Claims 1-6, 8-10 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al. (US 5,951,038) in view of Spencer.

Taguchi et al. discloses an airbag cushion having a throat portion (lower part, at inflator, see Figure 2A) and a cushion portion (upper portion 21), the throat portion comprising a loop diffuser (22). The loop diffuser has a windshield-facing panel and an occupant-facing panel,

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being attached to form a closed sleeve (see 22; Figure 2B). Each panel has a diffuser orifice (22b, 22a; see also Figure 3).

Taguchi et al. fails to show a diffuser sleeve.

Spencer teaches a diffuser sleeve as discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Taguchi et al. with the teachings of Spencer in order to better secure the airbag cushion to the inflator.

8. Claims 12, 13 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyoshi (JP 7-117605) in view of Spencer et al. (US 5,687,987) and Taguchi et al.

Kiyoshi is discussed above but fails to show a clamshell inflator or a loop diffuser.

Spencer et al. and Taguchi et al. are both discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kiyoshi with the teachings of Spencer et al. to better secure the airbag cushion to the inflator and with the teachings of Taguchi et al. to more evenly distribute the inflation gas.

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al. (US 5,951,038) in view of Spencer et al. as applied to claims 21-26 above, and further in view of Kiyoshi.

The combination of Taguchi et al. and Spencer et al. is discussed above but fails to show an overhead airbag.

Kiyoshi is discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Taguchi et al. and Spencer et al. with the teachings of Kiyoshi in order to provide an airbag in an overhead position to better protect the occupant.

***Response to Arguments***

10. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

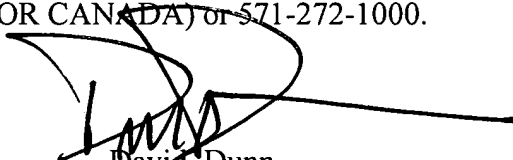
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal line extending to the right.

David Dunn  
Primary Examiner  
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